

TRIBAL FOREST PROTECTION ACT

Tip Sheet

Public Law 108-278, signed July 22, 2004

The Tribal Forest Protection Act basically authorizes the Secretaries of Agriculture and Interior to give special consideration to tribally-proposed Stewardship Contracting or other projects on Forest Service or BLM land bordering or adjacent to Indian trust land to protect the Indian trust resources from fire, disease, or other threat coming off of that Forest Service or BLM land.

We want to encourage the development of contracts or agreements to reduce threats in areas mutually agreed to by both Tribes and Forests. The following provides key elements of this critical legislation.

*To qualify, the Indian land (either tribal or allotted) must be in trust or restricted status and must be forested or have a grass, brush, or other vegetative cover. Burned-over land capable of regenerating vegetative cover also qualifies.

*The Tribe must propose its project to take place on National Forest System or BLM land which borders or is adjacent to Indian trust land and:

- poses a fire, disease, or other threat to the Indian trust land or community, or need restoration.
- is not subject to some other conflicting agreement or contract, and
- involves a feature or circumstance unique to the proposing Tribe (i.e., legal, cultural, archaeological, historic, or biological).

*Tribal projects can be under Stewardship Contracting or “such other authority as appropriate.”

*To formally initiate a project request, a Tribe formally submits a request to enter into an agreement or contract with the Forest Service or BLM.

*Within 120 days of a Tribe submitting a request to enter into an agreement or contract, the Secretary may issue a public notice of either initiation of any necessary environmental review or of the potential of entering into an agreement or contract with the Tribe.

*When the Forest Service or BLM evaluate and consider entering into tribal agreements or contracts, the agencies may:

- use a best value basis (special consideration for local jobs and business), and
- give specific consideration to tribal factors.

*If the Forest Service or BLM deny a tribal request to enter into an agreement or contract, the agency may issue a notice of denial to the Tribe that:

- identifies specific factors in, and reasons for, the denial,
- identifies corrective courses of action, and
- proposes consultation with the Tribe on how to protect the Indian trust land and tribal interests on the Forest Service or BLM land.